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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/924,731	08/08/2001	Sharad Sundaresan	MSFT-0688/180597.1	3961

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EXAMINER
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BILGRAMI, ASGHAR H

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 12/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/924,731

Applicant(s)

SUNDARESAN ET AL.

Examiner

Asghar Bilgrami

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1, 3, 4, 5, 6, 7, 8, 9, 12, 13, 14, 15 & 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The relationship of terms 'cluster' and 'server' used in claims 1 & 9 such as. "connecting a client application to a server 'server' on a cluster 'cluster' having a plurality of servers instantiated thereon....." are not clear in the claim language and are requested by the examiner to be changed or amended to get a clear understanding of the claims.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an

Art Unit: 2143

international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-16 rejected under 35 U.S.C. 102(e) as being anticipated by Bruck et al (U.S. 6,801,949 B1).

5. As per claims 1 & 9 Bruck disclosed a method of connecting a client application to a server 'server' on a cluster 'cluster' having a plurality of servers instantiated thereon, the method comprising: receiving 'cluster' and 'server' from the client application; sending a first request message to 'cluster' requesting first connection information for connecting to 'server'; receiving from 'cluster' a first reply message containing the requested first connection information; connecting the client application to 'server' on 'cluster' based on the received first connection information, wherein once connected, the client application and 'server' may transact business (col.1, lines 21-43). [Burck shows the use of server in "e-commerce" services]; determining that the connection to 'server' has failed, 'server' presumably having been moved from a first server of the cluster to a second server of the cluster, the received first connection information corresponding to the first server; sending a second request message to 'cluster' requesting second connection information for connecting to 'server', the requested second connection information corresponding to the second server; receiving from 'cluster' a second reply message containing the requested second connection information; and connecting the client application to 'server on 'cluster' based on the received second connection information, wherein once again connected, the client application and 'server' may again transact business (col.2, lines 38-65).

6. As per claims 2 & 10 Bruck disclosed the method of claim 1 comprising sending each request message as a UDP (user datagram protocol) packet addressed to a UDP address of 'cluster' (col.14, lines 55-67 & col.15, lines 1-10).

7. As per claims 3 & 11 Bruck disclosed the method of claim 1 comprising receiving each requested connection information including an address of 'cluster' on which 'server' is listening (col.8, lines 1-33).

8. As per claims 4 & 12 Bruck disclosed the method of claim 1 comprising receiving each requested connection information including an address of 'cluster' on which 'server' is listening for packets formatted according to a VIA (Virtual Interface Architecture) protocol (col.7, lines 10-37 & col.8, lines 1-33).

9. As per claims 5 & 13 Bruck disclosed the method of claim 1 comprising receiving each requested connection information including each address of 'cluster' on which 'server' is listening and a corresponding protocol associated with the address by 'server' (col.7, lines 10-37 & col.8, lines 1-33).

10. As per claims 6 & 14 Bruck disclosed the method of claim 1 comprising connecting the client application to 'server' on 'cluster' at an address of 'cluster' on which 'server' is listening for

Art Unit: 2143

packets formatted according to a VIA (Virtual Interface Architecture) protocol (col.7, lines 10-37 & col.8, lines 1-33).

11. As per claims 7 & 15 Bruck disclosed the method of claim 1 further comprising: caching the received second connection information in a cache; subsequently again receiving 'cluster' and 'server' from the client application; retrieving the cached connection information from the cache; connecting the client application to 'server' on 'cluster' based on the retrieved cached connection information (col.17, lines 62-67, col.18, lines 1-7).

12. As per claims 8 & 16 Bruck disclosed the method of claim 1 further comprising: determining whether the connected-to server is in fact 'server' and if not: sending a new request message to 'cluster' requesting new connection information for connecting to 'server'; receiving from 'cluster' a new reply message containing the requested new connection information; and connecting the client application to 'server' on 'cluster' based on the received new connection information (col.2, lines 38-65).

Art Unit: 2143

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asghar Bilgrami whose telephone number is 571-272-3907. The examiner can normally be reached on M-F, 8:00-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Asghar Bilgrami  
Examiner  
Art Unit 2143

AB

William C. Vaughn, Jr.  
Primary Examiner  
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